

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chairman Ron Stoker, on February 19, 2009 at 8:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Ron Stoker, Chairman (R)  
Rep. Deborah Kottel, Vice Chairman (D)  
Rep. Ken Peterson, Vice Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Gerald Bennett (R)  
Rep. Anders Blewett (D)  
Rep. Robyn Driscoll (D)  
Rep. David Howard (R)  
Rep. Krayton Kerns (R)  
Rep. Margaret MacDonald (D)  
Rep. Edith (Edie) McClaflafferty (D)  
Rep. Mike Menahan (D)  
Rep. Michael More (R)  
Rep. Keith Regier (R)  
Rep. Diane Sands (D)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Bob Ebinger (D)

**Members Absent:** None

**Staff Present:** Jennifer Eck, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 347, 2/17/09; HB 503, 2/16/2009;  
HB 504, 2/16/2009; HB 534,  
2/16/2009; HB 552, 2/16/2009;  
HB 554, 2/16/2009; HB 574, 2/17/09;  
HB 628, 2/17/09

Executive Action: None

**HEARING ON HB 534**

**Opening Statement by Sponsor:**

00:02:08 Rep. Margaret Campbell (D), HD 31, opened the hearing on HB 534, Require audio-video recording of custodial interrogations.

**EXHIBIT(juh39a01)**

00:07:45 Chairman Stoker

**Proponents' Testimony:**

00:08:16 Jessie McQuillan, Executive Director, Montana Innocence Project

**EXHIBIT(juh39a02)**

00:15:53 Andrew Vail

Rep. Ebinger joined the meeting.

00:25:49 Chairman Stoker

00:26:05 Bill Hooks, Montana Association of Criminal Defense Lawyers

00:28:44 Dan Gengler, Montanans for Justice

00:31:20 Frank Crowley

00:33:08 Robert Kolar, Montanans for Justice

00:33:31 Beth Brenneman, Disability Rights Montana

**EXHIBIT(juh39a03)**

00:36:01 Doug Lowney, Montanans for Justice

**Opponents' Testimony:**

00:39:47 Marty Lambert, Gallatin County Attorney

00:57:02 Leo Dutton, Montana Sheriffs and Peace Officers Association

01:02:31 Sheryl Wood, Montana Association of Counties

**Informational Testimony:**

01:05:55 Pam Bucy, Montana Association of Chiefs of Police; Montana Police Protective Association

01:07:58 Mike Batista, Department of Justice

01:09:10 Rep. Kottel

01:09:18 Mr. Batista

01:09:24 Rep. Kottel

01:09:33 Mr. Batista

**Questions from Committee Members and Responses:**

01:10:19 Rep. Kottel

01:10:28 Mr. Vail

01:10:30 Rep. Kottel  
01:10:39 Mr. Vail  
01:10:58 Rep. Kottel  
01:11:23 Mr. Vail  
01:11:25 Rep. Kottel  
01:11:39 Mr. Vail  
01:12:00 Rep. Kottel  
01:12:36 Mr. Vail  
01:13:33 Rep. Kottel  
01:13:47 Ms. Wood  
01:13:49 Rep. Kottel  
01:14:21 Ms. Wood  
01:15:14 Chairman Stoker  
01:15:16 Rep. Menahan  
01:15:51 Mr. Vail  
01:16:04 Rep. Menahan  
01:16:44 Mr. Vail  
01:17:01 Rep. Menahan  
01:17:45 Mr. Vail  
01:18:02 Rep. Menahan  
01:19:26 Mr. Vail  
01:19:37 Rep. Peterson  
01:19:55 Mr. Lambert  
01:20:03 Rep. Peterson  
01:21:00 Mr. Lambert  
01:21:55 Chairman Stoker  
01:22:00 Rep. Howard  
01:22:55 Mr. Lambert  
01:24:00 Rep. More  
01:24:31 Mr. Lambert

**Closing by Sponsor:**

01:26:05 Rep. Campbell  
01:31:20 Chairman Stoker

**HEARING ON HB 574**

**Opening Statement by Sponsor:**

01:32:23 Rep. Chas Vincent (R), HD 2, opened the hearing on  
HB 574, Revise burglary law.

**Proponents' Testimony:**

01:35:53 Marty Lambert, Gallatin County Attorney  
01:40:52 Molly Kirk  
01:44:12 Lisa Kirk

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:49:06 Rep. Warburton  
01:49:44 Rep. Vincent  
01:49:52 Mr. Lambert  
01:50:59 Rep. Wagner  
01:51:14 Mr. Lambert  
01:51:40 Rep. Wagner  
01:51:48 Mr. Lambert  
01:51:49 Rep. Wagner  
01:51:57 Mr. Lambert  
01:52:12 Rep. Wagner  
01:52:18 Chairman Stoker  
01:52:31 Molly Kirk

**EXHIBIT(juh39a04)**

**Closing by Sponsor:**

01:53:08 Rep. Vincent  
01:54:35 Chairman Stoker  
01:54:49 Recess  
02:18:28 Reconvene  
02:18:29 Chairman Stoker

**HEARING ON HB 503**

**Opening Statement by Sponsor:**

02:18:47 Rep. Bill McChesney (D), HD 40, opened the hearing on  
HB 503, Revise law on parimutuel wagering on fantasy  
sports.

**EXHIBIT(juh39a05)**

02:22:20 Chairman Stoker  
02:22:25 Rep. McChesney

**EXHIBIT(juh39a06)**

**Proponents' Testimony:**

02:28:34 John Tooke, Goldern Spur Casino, Miles City, Montana

**Opponents' Testimony:**

02:39:35 Sherry Meader, Attorney, Montana Board of Horse Racing  
02:49:42 Ryan Sherman, Executive Secretary, Montana Board of  
Horse Racing  
02:52:30 Al Carruthers, Chairman, Montana Board of Horse Racing  
02:53:48 John Ostlund, Yellowstone County Commissioner  
02:55:20 Larry Jordan, Montana Horse Breeders Association  
02:56:45 George Parisot, Montana Lottery  
**EXHIBIT(juh39a07)**  
03:00:48 Ray Thares, Papa Ray's Casino  
03:02:16 Keith Allen, International Brotherhood of Electrical  
Workers

**Informational Testimony:**

03:03:43 Rick Ask, Bureau Chief, Gambling Control, Department of  
Justice  
03:04:11 Mike Manion, Chief Legal Counsel, Department of  
Administration

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

03:05:23 Rep. McChesney  
03:12:08 Chairman Stoker  
03:13:09 Recess  
03:15:06 Reconvene  
03:15:07 Chairman Stoker

**HEARING ON HB 347**

**Opening Statement by Sponsor:**

03:15:28 Rep. Scott Mendenhall (R), HD 77, opened the hearing on  
HB 347, Revise third-party bad faith litigation.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:** None

**HEARING ON HB 504**

**Opening Statement by Sponsor:**

03:15:50 Rep. Michele Reinhart (D), HD 97, opened the hearing on HB 504, Revise laws on guardianship of incapacitated person.

**Proponents' Testimony:**

03:19:06 Ann Brodsky, Chief Legal Counsel, Governor's Office

03:22:20 Beth Brenneman, Disability Rights Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:24:24 Rep. More  
03:24:30 Rep. Reinhart  
03:24:31 Rep. More  
03:24:55 Rep. Reinhart  
03:26:38 Rep. More  
03:26:46 Rep. Reinhart  
03:26:54 Rep. Wagner  
03:27:20 Rep. Reinhart  
03:27:28 Rep. Wagner  
03:27:42 Rep. Reinhart  
03:27:48 Ms. Brenneman  
03:29:17 Rep. Wagner  
03:29:38 Ms. Brenneman  
03:30:03 Rep. Wagner  
03:30:04 Chairman Stoker  
03:30:23 Ms. Brenneman  
03:30:36 Chairman Stoker  
03:30:44 Ms. Brenneman  
03:31:05 Chairman Stoker  
03:31:21 Ms. Brenneman  
03:31:26 Chairman Stoker  
03:32:09 Ms. Brenneman  
03:33:10 Chairman Stoker  
03:33:20 Ms. Brenneman  
03:33:38 Chairman Stoker

**Closing by Sponsor:**

03:33:44 Rep. Reinhart

**HEARING ON HB 552**

**Opening Statement by Sponsor:**

03:34:32 Rep. Robert Mehlhoff (D), HD 26, opened the hearing on HB 552, Regulate location of sexual offenders at prerelease centers.

**Proponents' Testimony:** None

**Opponents' Testimony:**

03:44:23 Kelly Speer, Department of Corrections

[EXHIBIT\(juh39a08\)](#)

03:49:29 Sheryl Wood, Montana Association of Counties

03:51:38 John Ostlund, Montana Association of Counties

03:52:12 Curtis Thompson, Great Falls Prerelease Center

03:58:34 Michael Sullivan, Montana Sex Offender Treatment Association

04:01:48 Pat Keim, Alternatives, Inc.

04:04:26 Sue Wilkins, Missoula Correctional Services

04:07:04 Scott Crichton, Executive Director, American Civil Liberties Union of Montana

[EXHIBIT\(juh39a09\)](#)

04:07:42 Craig Thomas, Board of Pardons and Parole

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

04:08:35 Rep. Mehlhoff

**HEARING ON HB 554**

**Opening Statement by Sponsor:**

04:11:52 Rep. David Howard (R), HD 60, opened the hearing on HB 554, Verify alien status of prisoners.

[EXHIBIT\(juh39a10\)](#)

**Proponents' Testimony:**

04:13:13 Paul Nachman

**Opponents' Testimony:**

04:15:59 Shahid Haque-Hausrath

04:23:22 Scott Crichton, Executive Director, American Civil  
Liberties Union of Montana

**EXHIBIT(juh39a11)**

04:30:04 Jaimee Greer, Montana Human Rights Network

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

04:31:25 Rep. Howard

04:31:52 Rep. Stoker gave the gavel to Rep. Peterson.

**HEARING ON HB 628**

**Opening Statement by Sponsor:**

04:32:05 Rep. Ron Stoker (R), HD 87, opened the hearing on  
HB 628, Careless and reckless driving resulting in  
death.

**Proponents' Testimony:**

04:34:01 Pat Tucker

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

04:36:18 Rep. Stoker



**ADJOURNMENT**

04:37:31 Adjournment

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Jennifer Eck, Secretary

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Additional Exhibits:

**EXHIBIT(juh39a12)** Proposed Amendments for HB 362  
**EXHIBIT(juh39a13)** Testimony of Pat Keim on HB 552  
**EXHIBIT(juh39a14)** Witness statement from Marlehna Harper on HB  
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Additional Documents:

**EXHIBIT(juh39aad.pdf)**